

REMARKS

Claims 1-35 are all the claims pending in the application.

I. Formal Matters

Applicant thanks the Examiner for initialing and returning the SB/08 Forms submitted with the Information Disclosure Statements of March 24, 2004, October 29, 2004, February 10, 2006, and November 6, 2006, indicating that the documents cited therein have been considered. Applicant also thanks the Examiner for acknowledging the foreign priority claim and receipt of the priority document, and for indicating acceptance of the drawings filed on March 24, 2004.

II. Claim Rejections under 35 U.S.C. § 101

A. Non-statutory Subject Matter

Claims 20-35 have been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Claims 20-35 have been amended, and it is respectfully submitted that the claims recite statutory subject matter. Applicant therefore respectfully requests the Examiner to reconsider and withdrawn the rejection of claims 20-35 under 35 U.S.C. § 101.

B. Double Patenting

Claims 1-35 have been provisionally rejected under 35 U.S.C. § 101 as allegedly claiming the same invention as that of claims 1-42 of co-pending Application No. 10/390,595 (hereinafter “595 Application”), and claims 1-45 of co-pending Application No. 11/080,730 (hereinafter “730 Application”). This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Applicant submits that claims 1-35 are not coextensive in scope with the claims of the cited patent applications. For example, claims 1-19 of the present application recite “an inter-process communication unit which controls inter-process communication between processes executed on the plurality of processors.” Applicant submits that the claims of the cited applications fail to recite at least this feature. Since claims 20-35 of the present application also recite “an inter-process communication unit which controls inter-process communication between processes executed on the plurality of processors,” Applicant submits that such claims are not coextensive in scope with the claims of the cited references for at least similar reasons as discussed above.

With regard to claims 1, 8-9, 17-19, 27-28, 30, and 33-35 of the current application, Applicant submits that such claims define a different claim scope than any of the claims in the ‘730 application. For instance, claims 1-27 of the ‘730 application recite a communication proxy unit which transfers data between units of work spreading over said processors by proxy. Claims 28-45 of the ‘730 application recite a communication proxy function of transferring data between units of work spreading over said processors by proxy. Since none of claims 1, 8-9, 17-19, 27-28, 30, and 33-35 of the current application recite either of these features, such claims do not have the same claim scope as claims 1-45 of the ‘730 application. *See* MPEP §804 (stating that a reliable test for double patenting under 35 U.S.C. § 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent (i.e. co-pending application)). Applying this test to the above-mentioned claims of the present application, a device could embody all of the features found in claims 1, 8-9, 17-19, 27-28, 30,

and 33-35 of the present application, but not include the feature of a communication proxy unit or function that transfers data between units of work spreading over said processors by proxy, as defined in claims 1-45 of the '730 application. Such a device would infringe claims 1, 8-9, 17-19, 27-28, 30, and 33-35 of the present application, but not claims 1-45 of the '790 application. Therefore, Applicant submits that the statutory type double patenting rejection should be withdrawn because such claims of the present invention define a different claim scope than any of the claims in the '730 application.

III. Claim Rejections under 35 U.S.C. § 102(f)

As noted above, Applicant submits that claims 1-35 are not coextensive in scope with the claims of the cited references, such that the rejection of such claims under 35 U.S.C. § 102(f) should be withdrawn.

IV. Claim Rejection under 35 U.S.C. § 102(e)

Claim 1-35 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0182355 to Edahiro et al. ("Edahiro").

Applicant submits that Edahiro fails to teach or suggest all the features of claims 1-35. For example, claims 1-19 recites "an inter-process communication unit which controls inter-process communication between processes executed on the plurality of processors." Edahiro fails to teach or even suggest at least this feature of claims 1-19. Therefore, Applicant submits that claims 1-19 are patentable over Edahiro for at least the foregoing reason. Since claims 20-35 recite "an inter-process communication unit which controls inter-process communication

between processes executed on the plurality of processors," Applicant submits that such claims are patentable for at least similar reasons as discussed above.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/J. Warren Lytle, Jr./

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

J. Warren Lytle, Jr.
Registration No. 39,283

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: July 5, 2007